

INHABITANTS—TERRE AUX BOEUFs.

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DECEMBER 27, 1831.

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MR. CAVE JOHNSON, from the Committee on Private Land Claims, made the following

REPORT:

*The Committee on Private Land Claims, to which was referred the petition of E. Marin and J. Wogin, and other citizens of the parish of St. Bernard, in the State of Louisiana, and the testimony accompanying the same, have had the same under consideration, and report:*

That the petitioners claim to be the owners and proprietors of several tracts of land in the parish of St. Bernard, in the State of Louisiana, lying on the Terre aux Boeufs, according to a survey made for themselves by Aug. S. Phelps, the surveyor of the United States in said State, and which accompanies said petition, and contains the names of said petitioners, and a precise statement of the boundaries and the quantity of land claimed by them respectively, and which was made in the month of May, 1831. Said claimants rely for title upon donations made to them by the King of Spain between the years 1778 and 1783, and a continued occupation and possession and cultivation of said lands ever since. They also allege that they were ignorant of the requirements of the several acts of Congress heretofore passed for the confirmation of their titles, and now ask Congress to protect them in their rights and possessions.

It appears to the committee, from a careful examination of the testimony, that between the years 1778 and 1783, the section of country lying on the Terre aux Boeufs, described in the plat accompanying the petition, was settled by a series of emigrations from the Canary Islands, under the directions of the King of Spain, and through the agency of Galvez, who was at that time the Governor of Louisiana; and that Pierre Marigny was appointed the commandant of the colony, in order that he might direct and regulate its formation and establishment; and that he gave to each of the emigrants a portion of land, which was varied in quantity in proportion to the number of individuals in each family; and that the portion assigned each was very small—some two, some three, and others three and a half, arpents in front and forty deep; and that said commandant had built, under a contract with the King of Spain, a small house on each of the portions of land assigned

to the emigrants, and supplied them with provisions for some time; and that the said emigrants, or their descendants or assigns, had occupied and cultivated the several tracts of land allotted them, from that time to the present; and that in the year 1785, a church and parsonage house had been built for the use of the colony by the Government on the Terre aux Boeufs, and had been used by them for the purposes of worship from that time to the present.

It is further in proof, that Lavau Trudeauux, the royal surveyor general for the province of Louisiana, proceeded, in the year 1792, by order of Governor Carondelet, to make a survey of the lands thus assigned the colonists by their former commandant, Marigny; and that he did survey and designate to each individual the boundaries of his respective portion. Witness testifies that Trudeauux so informed him, and that he had seen the plat of the land made by him, and which he supposes to be lost; and which, it is probable from other information given the committee, was destroyed shortly after by a conflagration of a part of New Orleans, with many other valuable papers of that officer.

It is further in proof, that no written evidence of title was given to the colonists, either by the King of Spain or his officers in Louisiana; that the said portions of land, so parcelled out to the colonists, were of but little value at that time and for many years after, and were frequently sold, and the estate passed by parol, and sometimes in writing on small scraps of papers which have not been preserved; and in some instances, as is apparent on the plat exhibited, large estates have been formed, and in other cases, divisions and subdivisions of the original settlement claim have been made, either by sales or partition among the descendants of the original emigrants; so that the witnesses are of opinion it would be impossible at the present time to trace the titles back to the original proprietors. Witnesses state, they have examined the plat accompanying the petition, and that the same presents an accurate statement of the settlers, and the quantity of land and boundaries of the respective portions of land claimed by them at the present time; and that the respective tracts, as designated in said plat, have been constantly occupied and cultivated by them, or their descendants, or their assigns, from the original settlement to the present time. The preceding facts are satisfactorily proven to the committee, not only by two or three of the original settlers, but also by the testimony of Charles Faggot, who was a Spanish officer, stationed on the Terre aux Boeufs in 1781, and who was appointed parish judge of St. Bernard in 1807, and was a representative in the legislature of Louisiana in 1810, and again appointed parish judge in 1819, which office he yet fills, and is represented to us as a man of honesty and integrity; and his statements are confirmed by the testimony of the Hon. D. Boulligny, late a Senator in the Congress of the United States from Louisiana. All the depositions exhibited were taken in the presence of the Register of the land office at New Orleans.

Petitioners also produce a certified copy of a paper in the Spanish language, from the Register's office in New Orleans, purporting to be a retrocession from Don Pedro Philippe Marigni de Mandeville to the King of Spain, of a quantity of land between the Mississippi and the lakes, and which includes the lands on the Terre aux Boeufs, for the purpose of enabling him to colonize the same, and which is dated on the 29th day of April, 1779.

The committee are of opinion, that the faithful execution of the treaty by which the Government of the United States acquired Louisiana, demands

the recognition and confirmation of the claims of the petitioners. They are also of opinion, that the said petitioners might have secured titles to the respective tracts of land claimed by them under the laws heretofore passed by Congress for securing titles to Spanish claimants in Louisiana, and that the omission to do so, whether from neglect or ignorance, should not produce a forfeiture of their claims. The committee therefore submit a bill for their relief.

